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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/694,726

10/29/2003

Kou Yamamoto

XA-9964

4017

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7590

07/12/2006

MILES & STOCKBRIDGE PC  
1751 PINNACLE DRIVE  
SUITE 500  
MCLEAN, VA 22102-3833

EXAMINER

GOODEN JR, BARRY J

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/694,726

Applicant(s)

YAMAMOTO, KOU

Examiner

Barry J. Gooden Jr.

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006 (Amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

#### **DETAILED ACTION**

This office action is in response to the amendment filed May 8, 2006. Currently, claim 1 is pending.

#### **Drawings**

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cylinder bore having a cross-section of a polygonal shape and corresponding cross-sectioned movable pieces must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### **Specification**

2. The substitute specification, including abstract, filed May 8, 2006 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: it does not indicate where changes have been made (see 37 CFR 1.125 (c)).

**Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Japanese reference 2588338 cited by applicant.

In regards to claim 1, Japanese reference 2588338 cited by the applicant shows an extendable and contractible steering column apparatus including an outer column (20) through which an inner column (22) is slidably inserted, a lock housing portion is formed on the outer column (20). Japanese reference 2588338 cited by applicant also shows a locking mechanism that includes a pair of movable pieces (27 and 25, 34) slidably fitted within a cylinder bore (24) formed in the lock housing portion to shift the pair of movable pieces (27 and 25, 34) toward each other so as to release the pressure on the inner column (22), in response to swinging of an operating lever (36). The locking mechanism comprised of a threaded screw hole (34) in a first movable piece (25, 34), a through-hole (30) formed in a second movable piece (27), and a screw rod (31 and 35). The screw rod (31 and 35) having a threaded portion (32) inserted through the through-hole (30) of the second movable piece (27) and threaded in the threaded screw hole (34) of the first movable piece (25, 34) and a head portion (35) in contact with an end surface of the second movable piece (27) to which a base end portion (36) of the operating lever (36) is fixed.

**Claim Rejections - 35 USC § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese reference 2588338 cited by applicant.

In regards to claim 1, figure 4 of Japanese reference 2588338 cited by the applicant shows an extendable and contractible steering column apparatus including an outer column (20) through which an inner column (22) is slidably inserted, a lock housing portion is formed on the outer column (20).

Japanese reference 2588338 cited by applicant also shows a locking mechanism that includes a pair of movable pieces (27 and 25) slidably fitted within a cylinder bore (24) formed in the lock housing portion to shift the pair of movable pieces (27 and 25) toward each other so as to release the pressure on the inner column (22), in response to swinging of an operating lever (36). The locking mechanism comprised of a through-hole (30) formed in a second movable piece (27), and a screw rod (31 and 36). The screw rod (31 and 36) having a threaded portion (32) inserted through the through-hole (30) of the second movable piece (27) and a head portion (36) in contact with an end surface of the second movable piece (27) to which a base end portion (36) of the operating lever (36) is fixed.

Although it is not explicitly shown the Japanese reference 2588338 cited by the applicant appears to show a threaded screw hole (29 or 32) in the first movable piece (25). Further as no other form of connection is shown, it would follow that the hole is threaded. Nevertheless, It would have been obvious to one having ordinary skill in the art at the time of invention to modify the first movable piece (25) of the Japanese reference 2588338 cited by the applicant to include the threaded screw hole in the first movable piece so as to provide a means of connection and to effectively secure the pieces together.

Japanese reference 2588338 discloses the claimed invention except for a polygonal shaped passage through the outer column and correspondingly shaped movable pieces. It would have been an obvious matter of design choice to have provided polygonal shaped components rather than cylindrical so as to provide a means of preventing rotation of the movable pieces which may cause binding, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art.

**Response to Arguments**

7. Applicant's arguments filed May 8, 2005 have been fully considered but they are not persuasive.

**Conclusion**

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

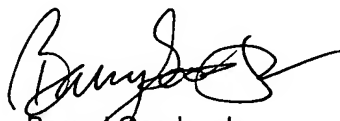
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry J. Gooden Jr. whose telephone number is (571) 272-5135. The examiner can normally be reached on Monday-Friday 8:00am-4:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 6/29/06  
Barry J. Gooden Jr.  
Examiner  
Art Unit 3616

BJG

 7/4/06  
PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
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